## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
VS.	§	5:12-CV-00822-OLG
	§	
	§	
Real Property Located and Situated at	§	
1019 Fairway, Kyle, Hays County,	§	
Texas 78640	§	
Defendant	§	

## VERIFIED CLAIM OF HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, ET AL. AGAINST 1019 Fairway, Kyle, Hays County, Texas, 78640

CLAIMANTS, Hays Consolidated Independent School District, Plum Creek Conservation District, and Plum Creek Groundwater District ("Taxing Authorities"), file this Verified Claim and would show the following:

- 1. The real property which is the subject of this action and on which this claim is filed is described in the United States' Verified Complaint for Forfeiture (filed September 4, 2012) and identified as follows:
  - 1019 Fairway, Kyle, Hays County, Texas, 78640, Lot Twenty Three (23), Block D, Plum Creek Phase I, Section 4, Subdivision, a Subdivision in Hays County, Texas, according to the map or plat thereof recorded in volume 9, Page 364, Plat Records, Hays County, Texas. RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANT FOR ALL OF THE AFFOREMENTIONED Real Property: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property.
  - 2. Taxing Authorities are units of local government of the State of Texas.

- 3. This claim is filed by the undersigned attorney as the agent for Claimants and she is duly authorized to assert this claim on their behalf by virtue of a contract between the law firm and the Claimants for collection of delinquent ad valorem taxes made pursuant to Tex. Prop. Tax Code Ann. §6.30(c).
- 4. Taxing Authorities are political subdivisions of the State of Texas authorized to levy and collect ad valorem taxes on the subject property. Any offsets and credits existing against the amounts due will be allowed.
- 5. Claimants are taxing units as defined by Tex. Prop. Tax Code Ann. §1.04(12), and as such, levied ad valorem taxes on the subject property for the years and in the amounts appearing below, exclusive of penalties and interest:

Property	Acct No.	Tax Year	Base Tax
			To be
1019 Fairway, Kyle, TX	116534000D023002	2012	determined

Claimants will levy ad valorem taxes on the subject property for 2012 in an amount to be determined. (See Exhibit 1, Tax Statements).

- 6. Section 32.01 of the Texas Property Tax Code creates a lien which perfects on January 1 of each tax year to the benefit of the Taxing Authorities to secure payment of *all* tax, penalty and interest imposed on the property. Those liens constitute valid, good faith interest in the subject property which are superior to all interest by virtue of Tex. Prop. Tax Code Ann. §32.05.
  - 7. Claimants reserve the right to amend this claim.

Respectfully Submitted,

## LORI GRUVER ATTORNEY FOR TAXING AUTHORITIES

By: /s/ Lori Gruver
LORI GRUVER
State Bar No. 24007283
KENT M. RIDER
State Bar No. 16896000
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STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority on this day personally appeared Lori Gruver, who being first duly sworn on oath deposed and said that she is the attorney for the Taxing Authorities as a partner in the law firm of Linebarger Goggan Blair & Sampson, LLP, and as such is authorized to make the foregoing petition on their behalf by virtue of a contract between the law firm and the Taxing Authorities for Collection of delinquent ad valorem taxes made pursuant to Tex. Prop. Tax Code Ann. §6.30(c), that she has read the foregoing petition, has personal knowledge of each of the allegations set forth therein, and that each of those allegations is true and correct.

\_\_/s/\_Lori Gruver Lori Gruver SUBSCRIBED AND SWORN TO BEFORE ME, by the said Lori Gruver, this the 25<sup>th</sup> day of September, 2012, to certify which witness my hand and seal of office.



/s/ Lydia R. Verosky	
NOTARY PUBLIC, State of Texas	

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been filed electronically and is to be served by electronic transmission to all parties on the court's electronic mailing matrix on September 25, 2012.

/s/	Lori Gruver	
Lori	Gruver	